

City Clerk File No. Ord. 19-063

Agenda No. 3.1 1st Reading

Agenda No. 4.1 2nd Reading & Final Passage



## ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE  
offered and moved adoption of the following ordinance:

CITY ORDINANCE 19-063

TITLE:

**CALENDAR YEAR 2019  
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS  
AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)**

COUNCIL

**offered and  
moved adoption**

of the following Ordinance:

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Municipal Council of the City of Jersey City in the County of Hudson finds it advisable and necessary to increase its CY 2019 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Municipal Council hereby determines that a 1.0% increase in the budget for said year, amounting to \$4,770,075 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and a prudent fiscal measure; and,

**WHEREAS**, the Municipal Council hereby determines that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

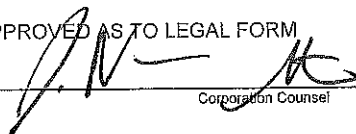
**NOW THEREFORE BE IT ORDAINED**, by the Municipal Council of the City of Jersey City, in the County of Hudson, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2019 budget year, the final appropriations of the City of Jersey City shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$16,695,262 and that the CY 2019 municipal budget for the City of Jersey City be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

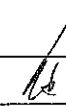
**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

APPROVED AS TO LEGAL FORM

  
\_\_\_\_\_  
Corporation Counsel

APPROVED: \_\_\_\_\_

APPROVED: \_\_\_\_\_

  
\_\_\_\_\_  
Business Administrator

Certification Required ☐

Not Required ☐

**ORDINANCE FACT SHEET – NON-CONTRACTUAL**

This summary sheet is to be attached to the front of any resolution that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

**Full Title of Ordinance/Resolution**

**CALENDAR YEAR 2019  
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO  
ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)**

**Initiator**

Department/Division	Administration	Management & Budget
Name/Title	John Metro	
Phone/email	201-547-5042	JMetro@icnj.org

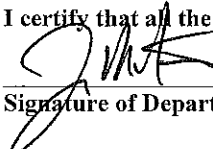
Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

**Ordinance Purpose**

An annual COLA is authorized under the original 1977 budget cap law, currently reflected as N.J.S.A. 40a:45-45.1a. Pursuant to N.J.S.A. 40A:4-45.2, "municipalities and counties shall be prohibited from increasing their final budget by more than 2.5% or the cost-of-living adjustment, **whichever is less....**" unless action is taken by the governing body to increase their final appropriations subject to the cap to the statutorily permitted 3.5%.

A municipality may by ordinance increase the COLA percentage up to 3.5% or bank (for up to two years) the difference between its final appropriation subject to the cap and 3.5%. CAP banking is not automatic. A single ordinance can be used to accomplish both activities: increasing appropriations cap and banking any unappropriated balance. Cap bank balances from 2017 and 2018 are available for use in 2019.

I certify that all the facts presented herein are accurate.

  
\_\_\_\_\_  
Signature of Department Director

5/14/2019  
\_\_\_\_\_  
Date

# Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 19-063  
TITLE: 3.1 JUN 12 2019 4.1

JUN 26 2019

Calendar Year 2019 Ordinance to exceed the Municipal Budget  
Appropriation limits and to establish a Cap Bank N.J.S.A.40A:4-45.14.

RECORD OF COUNCIL VOTE ON INTRODUCTION JUN 12 2019 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
RIDLEY	✓			YUN	✓			RIVERA	✓		
PRINZ-AREY	✓			SOLOMON	✓			WATTERMANN	✓		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓		
RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING JUN 26 2019 8-0											
Councilperson LAVARRO moved, seconded by Councilperson PRINZ AREY to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
RIDLEY	✓			YUN	✓			RIVERA	ABSENT		
PRINZ-AREY	✓			SOLOMON	✓			WATTERMANN	✓		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

## SPEAKERS:

YVONNE BALCER  
PEI SICARDI  
JEANNE DALY  
DAN SICARDI

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson moved to amend* Ordinance, seconded by Councilperson & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
RIDLEY				YUN				RIVERA			
PRINZ-AREY				SOLOMON				WATTERMANN			
BOGGIANO				ROBINSON				LAVARRO, PRES.			
RECORD OF FINAL COUNCIL VOTE JUN 26 2019 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
RIDLEY	✓			YUN	✓			RIVERA	ABSENT		
PRINZ-AREY	✓			SOLOMON	✓			WATTERMANN	✓		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on JUN 12 2019  
Adopted on second and final reading after hearing on JUN 26 2019

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on JUN 26 2019

Robert Byrne, City Clerk

\*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr., Council President

Date JUN 26 2019

APPROVED:

Steven M. Fulop, Mayor

Date JUN 26 2019

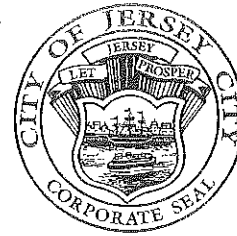
Date to Mayor

JUN 27 2019

City Clerk File No. Ord. 19-064

Agenda No. 3.2 1st Reading

Agenda No. 4.2 2nd Reading & Final Passage



## ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 19-064

TITLE:

AN ORDINANCE SUPPLEMENTING CHAPTER 332(VEHICLES AND TRAFFIC) ARTICLE II (TRAFFIC REGULATIONS) SECTION 332-9 (STOP INTERSECTIONS) OF THE JERSEY CITY CODE DESIGNATING MONMOUTH STREET & FIFTH STREET; PAVONIA AVENUE & W HAMILTON PLACE; TENTH STREET & MONMOUTH STREET AND WARREN STREET & SECOND STREET AS ALL-WAY STOP INTERSECTIONS

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

1. Chapter 332 (Vehicles and Traffic) Article II (Traffic Regulations) of the Jersey City Code is hereby supplemented as follows:

Section 332-9

### SCHEDULE STOP INTERSECTION

The intersections listed below are hereby designated as a stop intersection. Stop signs shall be installed as provided therein.

Street 1 (Stop Sign On)	Direction of Travel	Street 2 (At Intersection)
Fifth St	East	Monmouth St - <u>Multi</u>
Monmouth St	North	Fifth St - <u>Multi</u>
Monmouth St	North	Tenth St - <u>Multi</u>
Pavonia Av	East	W Hamilton Pl- <u>Multi</u>
Second St	West	Warren St - <u>Multi</u>
Tenth St	East and West	Monmouth St - <u>Multi</u>
W Hamilton Pl	North	Pavonia Av - <u>Multi</u>
Warren St	North	Second St - <u>Multi</u>

2. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

3. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

4. This ordinance shall be a part of the Jersey City Code as though codified and incorporated in the official copies of the Jersey City Code.

NOTE: All new material to be inserted is underscored.

AV:pcl  
(05.21.19)

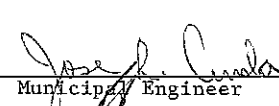
APPROVED:   
Director of Traffic & Transportation

APPROVED AS TO LEGAL FORM

  
Corporation Counsel

APPROVED:

APPROVED:

  
Municipal Engineer

Business Administrator

Certification Required ☐

Not Required ☐

**ORDINANCE FACT SHEET – NON-CONTRACTUAL**

This summary sheet is to be attached to the front of any ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

**Full Title of Ordinance**

AN ORDINANCE SUPPLEMENTING CHAPTER 332(VEHICLES AND TRAFFIC) ARTICLE II (TRAFFIC REGULATIONS) SECTION 332-9 (STOP INTERSECTIONS) OF THE JERSEY CITY CODE DESIGNATING MONMOUTH STREET & FIFTH STREET; PAVONIA AVENUE & W. HAMILTON PLACE; TENTH STREET & MONMOUTH STREET AND WARREN STREET & SECOND STREET AS ALL-WAY STOP INTERSECTIONS

**Initiator**

Department/Division	Administration	Engineering, Traffic and Transportation
Name/Title	Andrew Vischio, P.E.	Director of Traffic & Transportation
Phone/email	201.547.4419	AVischio@jcnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

**Ordinance Purpose**


The purpose of this Ordinance is to designate the following intersections as an all-way stop control:

Monmouth Street and Fifth Street  
Pavonia Avenue and W. Hamilton Place  
Tenth Street and Monmouth Street  
Warren Street and Second Street

Designating these intersections as an all-way stop control will improve traffic safety and operational characteristics at the intersection based on a detailed review of traffic conditions and guidance outlined within the Manual on Uniform Traffic Control Devices published by the Federal Highway Administration.

Designating Pavonia Avenue and W. Hamilton Place as an all-way stop will increase pedestrian safety as this intersection has a high pedestrian crossing volume. Designating an all-way stop at Monmouth Street and Fifth Street; at Warren Street and Second Street and at Tenth Street and Monmouth Street will provide a clearer traffic control and safer conditions for approaching motorists at each intersection.

I certify that all the facts presented herein are accurate.

  
\_\_\_\_\_  
Director of Traffic & Transportation

\_\_\_\_\_  
Signature of Department Director

5/22/19  
\_\_\_\_\_  
Date

6/4/19  
\_\_\_\_\_  
Date

Google Maps

Warren St & 2nd St



Monmouth St & 5th St

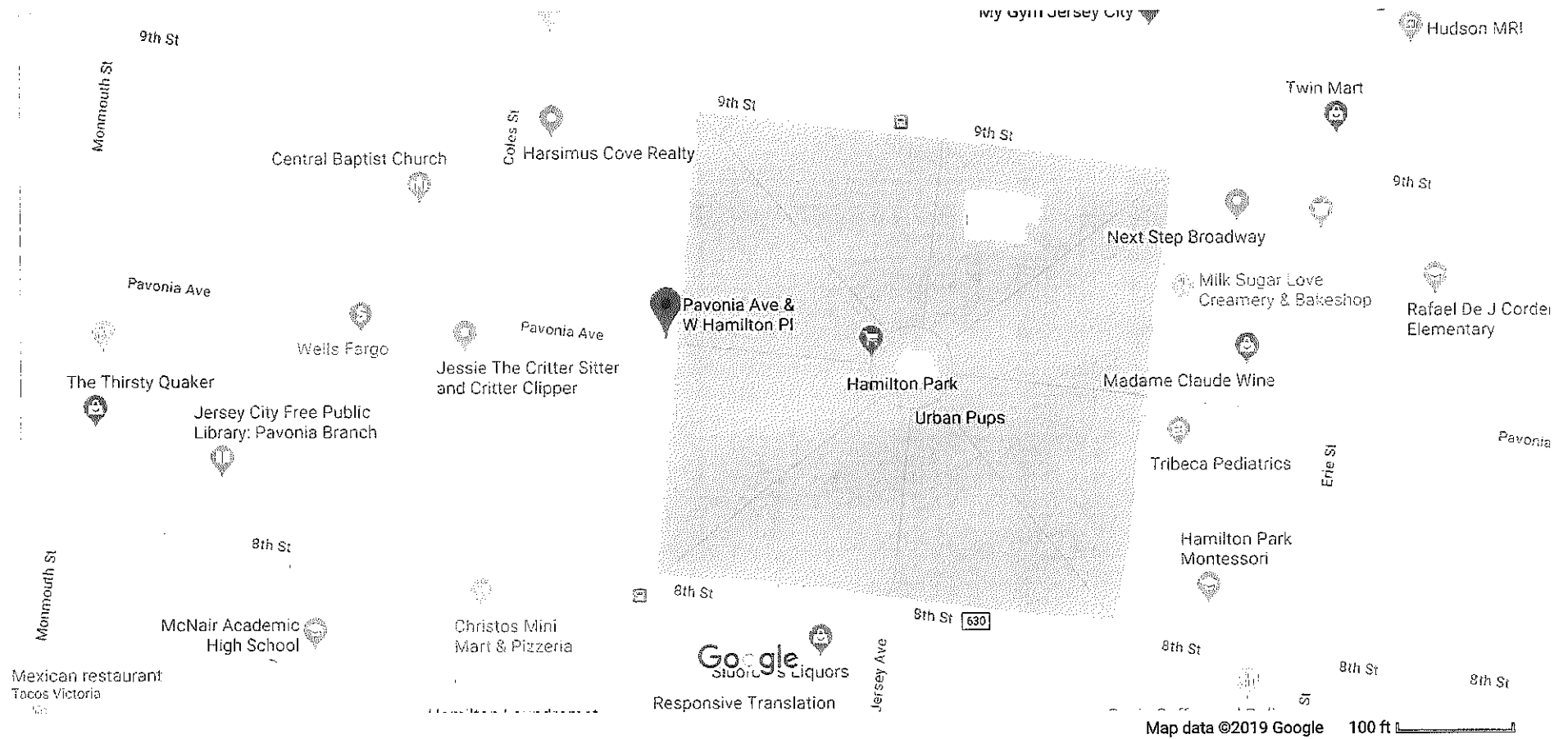




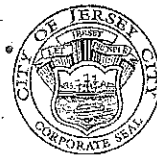
# Google Maps 10th St & Monmouth St



## Pavonia Ave &amp; W Hamilton Pl



# Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 19-064

TITLE: 3.2 JUN 12 2019 4.2

JUN 26 2019

An ordinance supplementing Chapter 332(Vehicles and Traffic) Article II (Traffic Regulations) Section 332-9 (Stop Intersections) of the Jersey City Code designating Monmouth Street & Fifth Street; Pavonia Avenue & W. Hamilton Place; Tenth Street & Monmouth Street and Warren Street & Second Street as All-Way Stop Intersections

## RECORD OF COUNCIL VOTE ON INTRODUCTION

JUN 12 2019 9-0

COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
RIDLEY	✓			YUN	✓			RIVERA	✓		
PRINZ-AREY	✓			SOLOMON	✓			WATTERMANN	✓		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓		

## RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING

JUN 26 2019 7-0

Councilperson <u>RIDLEY</u> moved, seconded by Councilperson <u>WATTERMANN</u> to close P.H.				COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
RIDLEY	✓			YUN	✓			RIVERA	ABSENT		
PRINZ-AREY	ABSENT			SOLOMON	✓			WATTERMANN	✓		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

## SPEAKERS:

## RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY

Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted				COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
RIDLEY				YUN				RIVERA			
PRINZ-AREY				SOLOMON				WATTERMANN			
BOGGIANO				ROBINSON				LAVARRO, PRES.			

## RECORD OF FINAL COUNCIL VOTE

JUN 26 2019 8-0

COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
RIDLEY	✓			YUN	✓			RIVERA	ABSENT		
PRINZ-AREY	✓			SOLOMON	✓			WATTERMANN	✓		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

JUN 12 2019

Adopted on first reading of the Council of Jersey City, N.J. on \_\_\_\_\_

JUN 26 2019

Adopted on second and final reading after hearing on \_\_\_\_\_

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on JUN 26 2019

Robert Byrne  
Robert Byrne, City Clerk

\*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr., Council President

Date

JUN 26 2019

APPROVED:

Steven M. Fulop, Mayor

Date

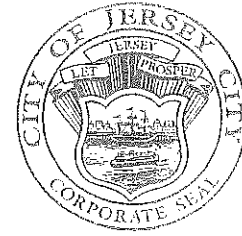
JUN 28 2019

Date to Mayor

JUN 27 2019

City Clerk File No. Ord. 19-065  
Agenda No. 3.3 1st Reading  
Agenda No. 4.3 2nd Reading & Final Passage

## ORDINANCE OF JERSEY CITY, N.J.



COUNCIL AS A WHOLE  
offered and moved adoption of the following ordinance:

CITY ORDINANCE 19-065

TITLE:

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO § 3-51 OF THE MUNICIPAL CODE TO REQUIRE ALL CONTRACTORS AND SUB CONTRACTORS ON CONSTRUCTION AND INFRASTRUCTURE CONTRACTS TO PARTICIPATE IN AN APPRENTICESHIP TRAINING PROGRAM.**

**THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:**

**WHEREAS**, the City of Jersey City (the "City") desires to ensure that construction and infrastructure related contracts that are subject to the New Jersey Prevailing Wage Act provide workers with an optimal and beneficial experience that will enable future career opportunities; and

**WHEREAS**, requiring contractors and subcontractors to participate in an appropriate apprenticeship training program shall afford workers with the opportunity to further enhance their skills and certifications, which is a benefit for society at large.

**NOW, THEREFORE, BE IT ORDAINED** by the Municipal Council of the City of Jersey City that § 3-51 - Purchasing; Division of Purchasing *and Central Services*, of the Municipal Code of the City of Jersey City be and is hereby amended as follows (Material indicated by strikethrough ~~like this~~ is existing material that is intended to be deleted. Material indicated by bold and underline like this is new material that is intended to be enacted):

Amendment to § 3-51. - Purchasing; Division of Purchasing and Central Services.

**J. Apprenticeship Requirements for Construction and Infrastructure Contracts. For contract awards for construction and infrastructure projects that are subject to the New Jersey Prevailing Wage Act, the contractor, and any subcontractors, shall also participate in an apprenticeship training program for each craft they employ which is registered with and approved by the United States Department of Labor and which provides each trainee with combined classroom and on-the-job training in an occupation recognized as an apprenticeable trade and meets the program standards of enrollment and graduation under 29 C.F.R. s.29.6.**

**BE IT FURTHER ORDAINED THAT:**

- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This ordinance shall be a part of the Jersey City Code as though codified and set forth fully herein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- C. This ordinance shall take effect at the time and in the manner as provided by law.


D. The City Clerk and the Corporation Council be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible repeaters of existing provisions.

APPROVED AS TO LEGAL FORM

  
\_\_\_\_\_  
Corporate Counsel

APPROVED: \_\_\_\_\_

APPROVED: \_\_\_\_\_

  
\_\_\_\_\_  
Business Administrator

Certification Required ☐

Not Required ☐

**ORDINANCE FACT SHEET**

This summary sheet is to be attached to the front of any ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

**Full Title of Ordinance/Resolution**

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO § 3-51 OF THE MUNICIPAL CODE TO REQUIRE ALL CONTRACTORS AND SUB CONTRACTORS ON CONSTRUCTION AND INFRASTRUCTURE CONTRACTS TO PARTICIPATE IN AN APPRENTICESHIP TRAINING PROGRAM**

**Initiator**

Department/Division	Council member	
Name/Title	Mira Prinz-Arey	Councilwoman
Phone/email	201-547-5092	MPrinz-Arey@jcnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

**Ordinance Purpose**

The purpose of this ordinance is to adopt amendments to section 3-51 of the Municipal Code to require all contractors and sub-contractors on construction and infrastructure contracts to participate in an apprenticeship-training program.

**I certify that all the facts presented herein are accurate.**

\_\_\_\_\_  
**Council member**  
**Mira Prinz-Arey**

\_\_\_\_\_  
**Date**

# Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Otd: 19-065

TITLE: 3.3 JUN 12 2019 4.3 JUN 26 2019

An ordinance of the Municipal Council of the City of Jersey City adopting amendments to § 3-51 of the Municipal Code to require all contractors and subcontractors on construction and infrastructure contracts to participate in an Apprenticeship Training Program.

## RECORD OF COUNCIL VOTE ON INTRODUCTION

JUN 12 2019 9-0

COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
RIDLEY	✓			YUN	✓			RIVERA	✓		
PRINZ-AREY	✓			SOLOMON	✓			WATTERMANN	✓		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓		

## RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING

JUN 26 2019 8-0

Councilperson <u>LAVARRO</u> moved, seconded by Councilperson <u>PRINZ-AREY</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
RIDLEY	✓			YUN	✓			RIVERA	ABSENT		
PRINZ-AREY	✓			SOLOMON	✓			WATTERMANN	✓		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

## SPEAKERS:

DAN SICARDI  
JEANNE DALY  
JASON BURG  
PAT KELLEHER  
LAVERN WASHINGTON

## RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY

Councilperson				moved to amend* Ordinance, seconded by Councilperson				& adopted			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
RIDLEY				YUN				RIVERA			
PRINZ-AREY				SOLOMON				WATTERMANN			
BOGGIANO				ROBINSON				LAVARRO, PRES.			

## RECORD OF FINAL COUNCIL VOTE

JUN 26 2019 8-0

COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
RIDLEY	✓			YUN	✓			RIVERA	ABSENT		
PRINZ-AREY	✓			SOLOMON	✓			WATTERMANN	✓		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

JUN 12 2019

Adopted on first reading of the Council of Jersey City, N.J. on

JUN 26 2019

Adopted on second and final reading after hearing on

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on JUN 26 2019

Robert Byrne, City Clerk

\*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr., Council President

Date

JUN 26 2019

APPROVED:

Steven M. Fulop, Mayor

Date

JUN 28 2019

Date to Mayor

JUN 27 2019

City Clerk File No. Ord. 19-066

Agenda No. 3.4 1st Reading

Agenda No. 4.4 2nd Reading & Final Passage



## ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 19-066

**TITLE: ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 27 (DEFENSE AND INDEMNIFICATION) LIMITING THE CITY'S OBLIGATION TO DEFEND AND INDEMNIFY CITY EMPLOYEES IN CASES OF CRIMINAL CONDUCT, DISCRIMINATION, RETALIATION, HARASSMENT AND INTENTIONAL TORTS**

**THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDIAN:**

I. Chapter 27 (Defense and Indemnification) is hereby amended as follows:

### Chapter 27

### DEFENSE AND INDEMNIFICATION

### GENERAL REFERENCES

Administration of government — See Ch. 3.	Personnel policies — See Ch. 53.
Ethics — See Ch. 33.	

### § 227-1. - Purpose; prior practices superseded.

It has been the practice of the City of Jersey City to defend lawsuits against employees which arise out of the good faith performance of official duties and to pay any judgment against an employee which he or she incurs in the good faith performance of official duties. The purpose of this chapter is to define clearly the circumstances under which the Corporation Counsel will defend lawsuits against employees and the terms on which the city will indemnify employees against any judgments arising out of official duties. The duty to defend and indemnify employees, as defined in this chapter, supersedes all prior customs and practices regarding the defense and indemnification of employees.

### § 227-2. - Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**EMPLOYEE** - Any officer or employee of the City of Jersey City, whether elected or appointed, except employees of the Department of Public Safety ~~{entitled}~~ entitled to a legal defense under N.J.S.A. 40A:14-28 and 40A:14-155.

**LEGAL ACTION** or **ACTION** - Includes any civil action against an employee before any court or administrative body of competent jurisdiction, either state or federal, whether brought by way of complaint, cross-claim or counterclaim. The term "legal action" does not include criminal or quasi-criminal actions, whether brought by complaint or indictment.



**§ 227-3. - Corporation Counsel's duty to defend city employees.**

Except as provided in § 27-4, the Corporation Counsel shall provide for the defense of any legal action against an employee arising out of an act or omission within the scope of employment, provided that the employee:

- A. Requests a legal defense in writing.
- B. Cooperates with the Corporation Counsel in his or her defense.

**§ 227-4. - Grounds for refusal to provide defense.**

- A. The Corporation Counsel may refuse to provide for the defense of a legal action against an employee if he or she determines that:
  - (1) The act or omission was not within the scope of employment;
  - (2) The act or omission was one of fraud, actual malice, ~~for~~ willful misconduct or one that would constitute a crime or offense under N.J.S.A. 2C. federal criminal law or an act committed in another state that would constitute a crime or offense under N.J.S.A. 2C.
  - (3) Legal defense by the Corporation Counsel would create a conflict of interest between the city and the employee;
  - (4) The employee has failed to cooperate fully with the Corporation Counsel in his or her defense;
  - (5) The employee failed to request a legal defense; or
  - (6) The action was brought by the city against the employee.
- B. Under circumstances where the factual predicate for a legal action against an employee cannot be ascertained with certainty, the Corporation Counsel may, in the exercise of his or her discretion, provide for the defense of a legal action against an employee under a reservation of rights. If the Corporation Counsel later determines that the employee is not entitled to a legal defense at the city's expense, he or she shall so notify the employee in writing and the city's obligation to provide a defense for the employee shall cease.

**§ 227-5. - Methods of providing defense.**

- A. The Corporation Counsel may at his or her option provide for legal defense of an employee by:
  - (1) Assigning the defense to an attorney on his or her staff;
  - (2) Engaging an independent attorney selected by the Corporation Counsel; or
  - (3) Asserting the city's right to a defense under any appropriate insurance policy which requires the insurer to provide the defense.
- B. No employee shall be reimbursed for the expenses of a legal defense unless the Corporation Counsel has agreed in writing to the amount of reimbursement before the employee incurs any expenses in his or her defense.

**§ 227-6. - Corporation Counsel to assume control of defense.**

Whenever the Corporation Counsel provides for the defense of an employee, he or she may assume exclusive control over the employee's defense, and the employee shall cooperate fully with the Corporation Counsel's defense.

**§ 227-7. - Indemnification of employee; punitive damages.**

- A. Whenever the Corporation Counsel is required to provide for the defense of any action against an employee, the city shall pay or reimburse the employee for:
  - (1) Any bona fide settlement of the action approved by the Corporation Counsel and the City Council.
  - (2) Any judgment against the employee.

B. Subject to Subsections ~~[C]~~C and D, in any legal action in which the defense of an employee is provided under a policy of liability insurance, the city shall indemnify the employee against any judgment or settlement to the extent not provided by such insurance.

C. Notwithstanding any other provision of this Chapter, the city will not indemnify, pay or reimburse an employee for any judgment entered against them in a legal action if it is determined that the basis for such judgment was an unlawful exercise of the employee's official duties, including, but not limited to conduct that constitutes discrimination, harassment, retaliation or any intentional tort. This prohibition on indemnification also includes conspiracy to and/or aiding and abetting of an unlawful exercise of another employee's official duties as described above. The city may, however, indemnify, pay or reimburse an employee for a judgment entered against them in such a legal action if, in the opinion of the Corporation Counsel, the act or omission upon which the judgment was entered was not an unlawful exercise of the employee's official duties as described above.

~~[C]~~D. Nothing in this section shall authorize the city to pay punitive or exemplary damages assessed against an employee or any damages resulting from the commission of a crime, actual malice, actual fraud or willful misconduct.

- II. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- III. This ordinance shall be part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- IV. This ordinance shall take effect at the time and in the manner provided by law.
- V. The City Clerk and the Corporation Counsel are hereby authorized and directed to change any chapter numbers, article numbers, and section numbers in the event that the codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible repeals of existing provisions.

**NOTE:** All new material to be inserted is underscored and material in [brackets] and *italicized* is omitted.

SWC/mma  
06/03/19

APPROVED AS TO LEGAL FORM

  
\_\_\_\_\_  
Corporation Counsel

APPROVED: \_\_\_\_\_

  
APPROVED: \_\_\_\_\_  
Business Administrator

Certification Required ☐  
Not Required ☐

## **ORDINANCE FACT SHEET**

This summary sheet is to be attached to the front of any ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

### **Full Title of Ordinance/Resolution**

**ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 27 (DEFENSE AND INDEMNIFICATION) LIMITING THE CITY'S OBLIGATION TO DEFEND AND INDEMNIFY CITY EMPLOYEES IN CASES OF CRIMINAL CONDUCT, DISCRIMINATION, RETALIATION, HARASSMENT AND INTENTIONAL TORTS.**

### **Initiator**

Department/Division	Department of Law	
Name/Title	Peter Baker	Corporation Counsel
Phone/email	201-547-4701	PBaker@jcnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

### **Ordinance Purpose**

The purpose of this Ordinance is to amend and supplement chapter 27 (Defense and Indemnification) to limit City's obligation to defend and indemnify City employees in cases of criminal conduct, discrimination, retaliation, harassment and intentional torts.

**I certify that all the facts presented herein are accurate.**

  
\_\_\_\_\_  
**Signature of Department Director**

6/4/19  
\_\_\_\_\_  
**Date**

# Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 19-066  
TITLE: 3.4 JUN 12 2019 4.4

**JUN 26 2019**

An ordinance amending and supplementing Chapter 27 (Defense and Indemnification) limiting the City's obligation to defend and indemnify City Employees in case of criminal conduct, discrimination, retaliation, harassment and intentional torts.

RECORD OF COUNCIL VOTE ON INTRODUCTION <b>JUN 12 2019 9-0</b>											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
RIDLEY	✓			YUN	✓			RIVERA	✓		
PRINZ-AREY	✓			SOLOMON	✓			WATTERMANN	✓		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING <b>JUN 26 2019 6-0</b>											
Councilperson <u>WATTERMANN</u> moved, seconded by Councilperson <u>RIDLEY</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
RIDLEY	✓			YUN	✓			RIVERA		ABSENT	
PRINZ-AREY	✓			SOLOMON	✓			WATTERMANN	✓		
BOGGIANO	✓			ROBINSON		ABSENT		LAVARRO, PRES.		ABSENT	

✓ Indicates Vote.

N.V.--Not Voting (Abstain)

## SPEAKERS:

JASON BURG  
JEANNE DALY  
DAN SICARDI

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson moved to amend* Ordinance, seconded by Councilperson & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
RIDLEY				YUN				RIVERA			
PRINZ-AREY				SOLOMON				WATTERMANN			
BOGGIANO				ROBINSON				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE <b>JUN 26 2019 8-0</b>											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
RIDLEY	✓			YUN	✓			RIVERA		ABSENT	
PRINZ-AREY	✓			SOLOMON	✓			WATTERMANN	✓		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

**JUN 12 2019**

Adopted on first reading of the Council of Jersey City, N.J. on

**JUN 26 2019**

Adopted on second and final reading after hearing on

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on **JUN 26 2019**

*Robert Byrne*

Robert Byrne, City Clerk

\*Amendment(s):

APPROVED:

*Rolando R. Lavarro, Jr.*

Rolando R. Lavarro, Jr., Council President

Date **JUN 26 2019**

APPROVED:

*Steven M. Fulop*

Steven M. Fulop, Mayor

Date **JUN 26 2019**

Date to Mayor **JUN 27 2019**

City Clerk File No. Ord. 19-071  
Agenda No. 3.9 1st Reading  
Agenda No. 4.6 2nd Reading & Final Passage



## ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE  
offered and moved adoption of the following ordinance:

CITY ORDINANCE 19-071

**TITLE:**  
**ORDINANCE RELEASING THE REVERTER IN THE DECEMBER 28, 2006 DEED  
CONVEYING LAND IN SECAUCUS, NEW JERSEY, KNOWN AS BLOCK 1 LOT 3, TO HUDSON  
COUNTY**

**THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY HEREBY ORDAINS:**

**WHEREAS**, on October 12, 2005 the Municipal Council of the City of Jersey City authorized the sale of a parcel of land in Secaucus, New Jersey, known as Block 1 Lot 3, (the "Parcel") to the County of Hudson, New Jersey ("Grantee") in Ordinance number 05-145; and

**WHEREAS**, the City of Jersey City ("Grantor") conveyed the Parcel to the Grantee by a deed dated December 28, 2006 (the "Deed"); and

**WHEREAS**, the Parcel is subject to the jurisdiction of the New Jersey Department of Environmental Protection Green Acres Program ("Green Acres Program"); and

**WHEREAS**, the Deed contains the following restriction provision ("Restriction"):

To have and to Hold, all and singular the above described land and premises, with the appurtenances, unto the said party of the second part, its heirs, successors, and assigns only for the provision of educational or recreational services to the general public, including residents of Hudson County, not for use by any political, partisan, sectarian, denominational or religious organization.

**WHEREAS**, the Deed contains the following reverter provision ("Reverter"):

Title shall automatically revert to the City of Jersey City if (1) the part of the 2<sup>nd</sup> part, its heirs, successors or assigns is a prohibited organization; (2) the property is used for other than the provision of educational or recreational services or (3) the property is used for a commercial business, trade, or manufacture purposes.

**WHEREAS**, the Reverter and Restriction are in conflict with the Green Acres Program and its funding restrictions; and

**WHEREAS**, further the Grantee wishes to enter into an agreement with New Jersey Transit ("NJ Transit") to use a portion of the Parcel for the Portal Bridge replacement project; and

**WHEREAS**, the use of the Parcel for the Portal Bridge replacement project will require the approval of the Green Acres Program as a diversion and/or disposal of Green Acres encumbered parkland; and

**WHEREAS**, the Portal Bridge replacement project will provide beneficial infrastructure improvements that will resonate throughout Hudson County; and

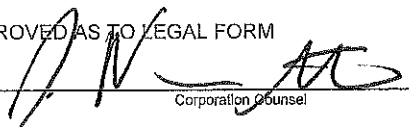
**WHEREAS**, the City of Jersey City wishes to work cooperatively with Hudson County, NJ Transit, and the Green Acres Program to facilitate the completion of the Portal Bridge replacement project.

**NOW, THEREFORE, BE IT RESOLVED** by the Municipal Council of the City of Jersey City that:


1. The City finds and declares that the Portal Bridge replacement project is an essential infrastructure project that will benefit thousands of Jersey City residents and countless other individuals traveling through Hudson County; and
2. The City hereby releases the Reverter contained in the Deed; and
3. The Mayor or Business Administrator is authorized to execute such additional documents, which include but are not limited to such documents as a "Corrective Deed", as may be necessary or appropriate to effectuate the release authorized herein and to ensure that the Restriction accurately reflects the funding restrictions of the Green Acres Program.

HCB/mma  
05/21/19

APPROVED AS TO LEGAL FORM

  
\_\_\_\_\_  
Corporation Counsel

APPROVED: \_\_\_\_\_

APPROVED:   
\_\_\_\_\_  
Business Administrator

Certification Required ☐

Not Required ☐

## **ORDINANCE FACT SHEET**

This summary sheet is to be attached to the front of any ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the ordinance.

### **Full Title of Ordinance/Resolution**

**ORDINANCE RELEASING THE REVERTER IN THE DECEMBER 28, 2006 DEED CONVEYING LAND IN SECAUCUS, NEW JERSEY, KNOWN AS BLOCK 1 LOT 3, TO HUDSON COUNTY.**

### **Initiator**

Department/Division	Administration	
Name/Title	Brian Platt	Business Administrator
Phone/email	201-547-4513	BPlatt@jcnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

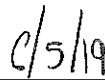
### **Ordinance Purpose**

The purpose of this ordinance is correct a deed dated December 28, 2006 so that it accurately reflects Green Acres requirements.

**I certify that all the facts presented herein are accurate.**



**Signature of Department Director**



**Date**

# Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 19-071  
TITLE: 3.9 JUN 12 2019 4.6

**JUN 26 2019**

An ordinance releasing the reverter in the December 28, 2006 deed conveying land in Secaucus, New Jersey, known as Block 1 Lot 3, to Hudson County.

RECORD OF COUNCIL VOTE ON INTRODUCTION <b>JUN 12 2019 8-0-1</b>											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
RIDLEY	✓			YUN	✓			RIVERA	ABS	6/15	
PRINZ-AREY	✓			SOLOMON	✓			WATTERMANN	✓		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING <b>JUN 26 2019</b>											
Councilperson <u>WATTERMANN</u> moved, seconded by Councilperson <u>PRINZ AREY</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
RIDLEY	✓			YUN	✓			RIVERA	ABSENT		
PRINZ-AREY	✓			SOLOMON	✓			WATTERMANN	✓		
BOGGIANO	ABSENT			ROBINSON	ABSENT			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

## SPEAKERS:

JASON BURG

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____								& adopted			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
RIDLEY				YUN				RIVERA			
PRINZ-AREY				SOLOMON				WATTERMANN			
BOGGIANO				ROBINSON				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE <b>JUN 26 2019 8-0</b>											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
RIDLEY	✓			YUN	✓			RIVERA	ABSENT		
PRINZ-AREY	✓			SOLOMON	✓			WATTERMANN	✓		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on **JUN 12 2019**

Adopted on second and final reading after hearing on **JUN 26 2019**

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on **JUN 26 2019**

Robert Byrne, City Clerk

\*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr., Council President

Date

**JUN 26 2019**

APPROVED:

Steven M. Pulop, Mayor

Date

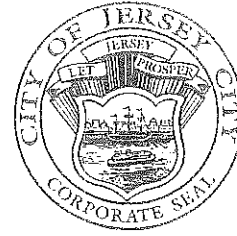
**JUN 28 2019**

Date to Mayor

**JUN 27 2019**



City Clerk File No. Ord. 19-073  
Agenda No. 3.11 1st Reading  
Agenda No. 4.7 2nd Reading & Final Passage



## ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE  
offered and moved adoption of the following ordinance:

CITY ORDINANCE 19-073

**TITLE: AN ORDINANCE AUTHORIZING A LEASE AGREEMENT BETWEEN THE CITY OF JERSEY CITY AND VERIZON NEW JERSEY INC. FOR PROPERTY LOCATED AT 71 MADISON AVENUE, JERSEY CITY, NEW JERSEY.**

**THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:**

**WHEREAS**, the City of Jersey City has a need for parking spaces for the Police West District; and

**WHEREAS**, Verizon New Jersey Inc. is willing to lease premises at 71 Madison Avenue, Jersey City, Block 18601, Lot 21 consisting of 18,787 square feet of space for a total rental fee of \$14,400.00 per year or \$ 1,200.00 per month; and

**WHEREAS**, the lease will be for a term of five (5) years effective July 1, 2019 and terminating June 30, 2019; and

**WHEREAS**, the City shall have the right to terminate the lease without cause by providing thirty (30) days notice to the effective date of termination; and

**WHEREAS**, the sum of \$\_\_\_\_\_ is available in Account # 02-201-31-432-304; and

**WHEREAS**, the balance of the lease funds will be made available in the 2019 permanent budget and in subsequent Calendar Year budgets; and

**WHEREAS**, N.J.S.A. 40A:12-5 provides that a municipality may by ordinance authorize the leasing of real property or personal property; and

**WHEREAS**, this agreement is in the best interest of the City of Jersey City.


**NOW, THEREFORE, BE IT ORDAINED**, by the Municipal Council of the City of Jersey City that:

1. Subject to such modifications as may be deemed necessary or appropriate by Corporation Counsel, the Mayor or Business Administrator is authorized to execute the Lease Agreement attached hereto with Verizon New Jersey Inc. for 18,787 sq. ft. of space at 71 Madison Avenue, Jersey City.
2. The term of this lease shall be five (5) years and shall take effect as of July 1, 2019 and end of June 30, 2024.
3. The City shall have the right to terminate without cause by providing thirty (30) days notice prior to the effective date of termination.
4. The rent for the 18,787 sq. ft. of space shall be \$1,200.00 per month or \$14,400.00 yearly.

5. Funds in the amount of \$\_\_\_\_\_ are available in Account # 02-201-31-432-304. The balance of the lease funds will be made available in the 2019 permanent budget and in subsequent Calendar Year budgets.
- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This ordinance shall be part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- C. This ordinance shall take effect at the time and in the manner provided by law.
- D. The City Clerk and Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

**NOTE:** All material is new; therefore underlining has been omitted.  
For purposes of advertising only, new matter is indicated by **bold face** and repealed matter by *italic*.

APPROVED AS TO LEGAL FORM

  
\_\_\_\_\_  
Corporation Counsel

APPROVED: \_\_\_\_\_

APPROVED:   
\_\_\_\_\_  
Business Administrator

Certification Required ☐

Not Required ☐

**RESOLUTION FACT SHEET - CONTRACT AWARD**

This summary sheet is to be attached to the front of any resolution that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

**Full Title of Ordinance/Resolution**

AN ORDINANCE AUTHORIZING A LEASE AGREEMENT BETWEEN THE CITY OF JERSEY CITY AND VERIZON NEW JERSEY INC. FOR PROPERTY LOCATED AT 71 MADISON AVENUE, JERSEY CITY, NEW JERSEY.

**Project Manager**

Department/Division	Administration	Real Estate
Name/Title	Brian Platt	Business Manager
Phone/email	(201) 547-4513	BPlatt@jcnj.org

Note: Project Manager must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

**Contract Purpose**

To extend and existing lease to provide continued parking for West District Police.

**Cost (Identify all sources and amounts)**

\$14,400

**Contract term (include all proposed renewals)**

5 years

**Type of award**

Lease

If "Other Exception", enter type

**Additional Information**

**I certify that all the facts presented herein are accurate.**

\_\_\_\_\_  
**Signature of Department Director**

\_\_\_\_\_  
**Date**

#### **FOURTH AMENDMENT OF LEASE**

THIS FOURTH AMENDMENT OF LEASE (the "Fourth Amendment"), made as of the \_\_\_\_\_ day of June, 2019, but deemed effective as of July 1, 2019 (the "Effective Date"), between **VERIZON NEW JERSEY INC.**, a New Jersey corporation, having an office at Verizon Global Real Estate, Attn: Lease Administration, 7701 Telecom Parkway, Mail Code: FLTDSB1W, Temple Terrace, FL 33637 ("Lessor") and the **CITY OF JERSEY CITY**, a municipal corporation of the State of New Jersey, having an office at 280 Grove Street, Jersey City, New Jersey 07302 ("Lessee").

#### **RECITALS**

A. Lessor and Lessee are parties to a lease dated July 1, 1999 (the "Lease"), pursuant to which Landlord leased to Lessee and Lessor hired from Lessor an approximately 18,787 square foot paved parking lot known as "Parking Area #2", located at 71 Madison Street, City of Jersey City, Hudson County, New Jersey, as is more particularly described on Schedule A attached hereto (the "Premises").

B. The Lease was previously amended by First Amendment to Lease dated May 25, 2004 (the "First Amendment"), by Second Amendment to Lease dated August 18, 2009 (the "Second Amendment"), and Third Amendment to Lease dated November 26, 2016 (the "Third Amendment"); (the First Amendment, Second Amendment and the Third Amendment shall be deemed included in all references herein to the Lease).

C. The parties desire to further amend the Lease in the manner hereinafter set forth.

**NOW, THEREFORE**, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. The term of the Lease is hereby extended for an additional extension term beginning on July 1, 2019, and ending on the date that is the earlier of (a) June 30, 2024, or (b) the date that is thirty (30) days following written notice of termination by either party to the other (as may be applicable, the "Fourth Amendment Extension Term"), upon all of the terms, covenants and conditions of the Lease except as expressly provided in this Amendment. If the Lease is terminated in accordance with Section 1(b) above, rent shall be paid through the date that is the later of the date of termination or the date to Lessee's actual vacating of the Premises, including without limitation on a per diem basis if the date of termination or vacancy, as applicable, is not the last day of a calendar month. The Fourth Amendment Extension Term is not subject to further renewal.

2. Annual rent during the Fourth Amendment Extension Term shall be fourteen-thousand and four-hundred and 00/100 dollars (\$14,400.00), payable in equal monthly installments in advance of one-thousand and two-hundred and 00/100 dollars (\$1,200.00) on the first day of each calendar month; such rent shall be paid on and as of the Effective Date regardless of when this Fourth Amendment is signed, it being acknowledged by Lessee that it will be in possession of the Premises on the Effective Date.

3. Lessor and Lessee represent and warrant to each other that they have not negotiated with any broker in connection with this Amendment. Lessor and Lessee agree that should any claim be made against the other for a broker's commission, finder's fee or similar compensation by reason of the acts of such party, the party upon whose acts such claim is predicated shall indemnify and hold the other party harmless from all losses, costs, damages, claims, liabilities and expenses in connection therewith (including, but not limited to, reasonable legal fees and the cost of enforcing this indemnity).

4. Each of the parties hereto represents and warrants to the other that the person executing this Amendment on behalf of such party has the full right, power and authority to enter into and execute this Amendment on such party's behalf and that no consent from any other person or entity is necessary as a condition precedent to the legal effect of this Amendment.

5. All prior understandings and agreements between the parties with respect to the subject matter of this Amendment are merged with this Amendment, which alone fully and completely sets forth the understanding of the parties with respect thereto. This Amendment may not be changed or modified nor may any of its provisions be waived orally or in any manner other than a writing signed by the party against whom the enforcement of the change, modification or waiver is sought.

6. Except as provided herein, the Lease and all of its terms, covenants and conditions remain in full force and effect.

7. The terms, covenants and conditions contained herein are binding upon and inure to the benefit of the parties hereto and their heirs, executors, administrators, successors and assigns.

**(SIGNATURES ON FOLLOWING PAGE)**

**IN WITNESS WHEREOF**, the parties have duly executed this Amendment as of the date first above written.

**LESSOR**

**VERISON NEW JERSEY INC.**

BY: \_\_\_\_\_

NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

**LESSEE**

**CITY OF JERSEY CITY**

**ATTEST**

BY: \_\_\_\_\_

NAME: \_\_\_\_\_

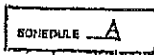
TITLE: \_\_\_\_\_

BY: \_\_\_\_\_

NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

"PARKING AREA 2"



#10571415.1

# Ordinance of the City of Jersey City, N.J.



ORDINANCE NO: Ord. 19-073

TITLE: 3.11 JUN 12 2019 4.7 JUN 26 2019

An ordinance authorizing a lease agreement between the City of Jersey City and Verizon New Jersey Inc. for property located at 71 Madison Avenue, Jersey City, New Jersey

## RECORD OF COUNCIL VOTE ON INTRODUCTION

JUN 12 2019 9-0

COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
RIDLEY	✓			YUN	✓			RIVERA	✓		
PRINZ-AREY	✓			SOLOMON	✓			WATTERMANN	✓		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓		

## RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING

JUN 26 2019

Councilperson <u>WATTERMANN</u> moved, seconded by Councilperson <u>PRINZ-AREY</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
RIDLEY	✓			YUN	✓			RIVERA		ABSENT	
PRINZ-AREY	✓			SOLOMON	✓			WATTERMANN	✓		
BOGGIANO	ABSENT			ROBINSON				LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

## SPEAKERS:

LAVERN WASHINGTON

## RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY

Councilperson				moved to amend* Ordinance, seconded by Councilperson				& adopted			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
RIDLEY				YUN				RIVERA			
PRINZ-AREY				SOLOMON				WATTERMANN			
BOGGIANO				ROBINSON				LAVARRO, PRES.			

## RECORD OF FINAL COUNCIL VOTE

JUN 26 2019 8-0

COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
RIDLEY	✓			YUN	✓			RIVERA		ABSENT	
PRINZ-AREY	✓			SOLOMON	✓			WATTERMANN	✓		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓		

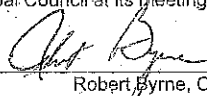
✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on JUN 12 2019

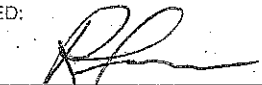
Adopted on second and final reading after hearing on JUN 26 2019

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on JUN 26 2019

  
Robert Byrne, City Clerk

\*Amendment(s):

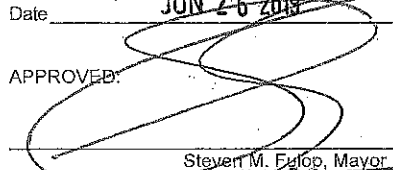
APPROVED:

  
Rolando R. Lavarro, Jr., Council President

Date

JUN 26 2019

APPROVED:

  
Steven M. Faloop, Mayor

Date

JUN 26 2019

Date to Mayor

JUN 27 2019